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| COMPANY: | DATE: |
| U.S. Patent & Trademark Office | JUNE 30, 2006 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| 571-273-8300 | 19 |
| PHONE NUMBER: | SENDER'S REFERENCE NUMBER: |
| 571-272-7232 | 1023-362US01 |
| RE: | APPLICATION SERIAL NUMBER: |
| Response to Restriction Requirement | 10/825,955 |

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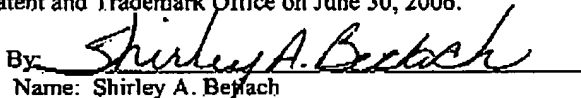
JUN 30 2006

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230
Keith A. Miesel
Serial No.: 10/825,955
Filed: April 15, 2004 Customer No.: 28863
Examiner: Jeffrey Gerben Hoekstra
Group Art Unit: 3736
Docket No.: 1023-362US01
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted
via facsimile to the United States Patent and Trademark Office on June 30, 2006.

By:



Name: Shirley A. Befach

**PRELIMINARY AMENDMENT AND RESPONSE TO RESTRICTION AND
ELECTION REQUIREMENTS**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In response is to the Office Action mailed May 31, 2006, please amend the application as
follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2
of this paper.

Remarks begin on page 15 of this paper.